

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

**CIVIL CONFERENCE
MINUTE ORDER**

BEFORE: A. KATHLEEN TOMLINSON
U.S. MAGISTRATE JUDGE

DATE: 7-28-2016
TIME: 11:20 a.m. (10 minutes)

Munoz, et al. v. Sestwon Pizzeria LLC, et al., CV 15-6833 (JFB) (AKT)

TYPE OF CONFERENCE: **STATUS CONFERENCE**

APPEARANCES: Plaintiff Helen Dalton (by Telephone)
Defendant Robin B. Kallor

FTR: 11:20-11:30

SCHEDULING:

This case is put over to August 11, 2016 at 11:30 a.m.

THE FOLLOWING RULINGS WERE MADE:

At the time of today's conference, the Court received a phone call from Helen Dalton, Esq. stating that she had gone to the Brooklyn Courthouse for this conference in error. The subsequent call by Attorney Dalton was transferred into the courtroom and addressed by the undersigned. I pointed out to Ms. Dalton that at the Initial Conference, when an associate showed up on behalf of the plaintiffs, the Court made it clear that lead counsel was required to appear for that conference (pursuant to the clear directives in the Initial Conference Scheduling Order) and certainly had to appear for today's conference. The associate, Attorney Puja Sharma, was directed to convey back to Attorney Roman Avshalumov, lead counsel in this case, that he was required to appear today. The attorneys assigned to these cases are not fungible parts. The Court also incorporated the directive concerning lead counsel's attendance as Point 1 (all caps, bold and underlined) in the March 15, 2016 Civil Conference Minute Order. *See* DE 21. Today's circumstances and the course of conduct by plaintiffs' counsel in this action is unacceptable.

Attorney Dalton advised that Mr. Avshalumov had an appearance in court in New Jersey today. The Court understands that litigation attorneys are often faced with conflicts. However, counsel here was previously advised in writing that should such circumstances arise, counsel was to seek an adjournment and confer with opposing counsel to come up with a new date. Instead, today, defendants' counsel traveled all the way from Connecticut for this conference, to no avail. Regrettably, the Court is putting this matter over. Attorney Avshalumov is hereby on notice that any failure to appear on August 11, 2016 at the appointed time will result in the imposition of sanctions by the Court.

SO ORDERED

/s/ A. Kathleen Tomlinson
A. KATHLEEN TOMLINSON
U.S. Magistrate Judge